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**Children's Committee**  
**March 3, 2015**

**Comments from the American Cancer Society Cancer Action Network on Raised  
H.B. NO. 6898 - AN ACT CONCERNING THE MARKETING OF UNHEALTHY  
FOODS IN SCHOOLS.**

The American Cancer Society Cancer Action Network (ACS CAN) is pleased to provide comments on Raised House Bill 6898 – An Act Concerning The Marketing Of Unhealthy Foods In Schools. ACS CAN is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society that supports evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN is strong supporters of robust school policies that create healthy, supportive learning environments and help build the foundation for the establishment of lifelong healthy behaviors where children spend a majority of their day.

For the majority of Americans who do not use tobacco, the most important behaviors to reduce cancer risk are weight control, dietary choices, and physical activity. Overweight and obesity are clearly associated with an increased risk of cancers of the breast in postmenopausal women, colorectal, endometrium, kidney, adenocarcinoma of the esophagus, and pancreas and may be associated with many other cancers. In its Guidelines on Nutrition and Physical Activity for Cancer Prevention, the Society recognizes the importance of both individual choice and community action to modify these behaviors in order to successfully reduce the nearly one- third of cancer deaths attributable to poor diet, physical inactivity, and overweight and obesity.

Community actions in schools that address weight control, dietary choices, and physical activity in children and adolescents, in particular, offer a unique opportunity for cancer prevention. First, focusing interventions on youth can establish behaviors that can reduce cancer risk and promote and maintain health over the course of their lifetime. The Guidelines acknowledge that creating these healthy behaviors in youth is more effective, and perhaps easier, than efforts to change unhealthy behaviors once they are adults. Second, schools offer an opportunity to reach most, if not all, children and adolescents because youth spend half their time, and consume at least one-third of their daily calories, at school during the school year.

As the Institute of Medicine report *Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation* stated, schools have acknowledged their responsibility for the health and well being of its students, such as by requiring immunizations, in addition to their mission to teach academic skills. Furthermore, these two responsibilities are interrelated, as there is more evidence about the positive relationship between providing a

healthy school environment and students' academic achievement. Local school wellness policies are an opportunity for schools to comprehensively plan, implement, and evaluate a healthy school environment to establish the positive eating and physical activity habits in children and adolescents that can ultimately reduce their risk for cancer and maintain and improve their health over the course of their lifetime.

We are extremely pleased that HB 6898 would require Boards of Education (BoEs) to address food and beverage marketing and advertising in their local school wellness policies. Advertising and marketing to children in schools requires special consideration because the food and beverage industries are reaching children in an environment where parents have little or no oversight or ability to consent, and because students should have a learning environment that does not include messages that undermine nutrition and health education.

The bill prohibits public schools from displaying or featuring any advertising of any food or beverage that does not meet Smart Snack standards. We agree that the Smart Snack standards should be used as the minimum standard for school food and beverage marketing. However, BoEs should be permitted to strengthen and build on those standards.

We encourage the committee to include language to assure BoEs that they are free to implement stronger standards for marketing. For example, BoEs could extend the marketing standards beyond the school day, and they should choose to use their local or state competitive foods standards if those standards go beyond the Smart Snack standards. That would allow BoEs to align their marketing standards with their food and beverage sales standards. The bill also should note that BoEs also have the discretion to restrict all marketing of food and beverages in schools.

Additionally, Board's of Education need to understand and should be encouraged to address the full range of food and beverage marketing in schools, including marketing and advertising through:

- Signs, scoreboards, or posters
- Curricula, textbooks, or other educational materials
- Vending machine exteriors, food or beverage cups or containers, food display racks, coolers
- Equipment, uniforms, school supplies (ex. pencils, notebooks, textbook covers)
- Advertisements in school publications, during announcements on the public announcement (PA) system, on school radio stations, in-school television (such as Channel One), computer screen savers, and/or school-sponsored Internet sites, or websites promoted for educational purposes (ex. coolmath-games.com)
- Branded fundraisers and corporate-sponsored programs that encourage students and/or their families to sell, purchase, or consume products, and/or provide funds to schools in exchange for consumer purchases of those products (ex. McTeacher's night, Labels for Education, Box Tops for Education)
- Corporate incentive programs that reward or provide children with free or discounted foods or beverages (ex. Pizza Hut Book It! Program)

- Sponsorship of materials, programs, events, or teams
- Market research activities
- Corporate-sponsored scholarships
- Free samples, taste-tests, or coupons □

BoEs should receive guidance about how to address brand advertising. Brand advertising features general brand depictions, such as brand logos, product line logos, or spokes-characters, in the absence of a focus on a specific product (for example, showing the company brand or product line name or logo on a sign at a sponsored event, on a scoreboard, or a team uniform).

If a brand is marketed rather than a specific product, then all the products within the marketed brand or product line should meet the Smart Snack guidelines. Alternatively, schools can replace the brand marketing with marketing for a specific product that meets the Smart Snack guidelines. Additionally, BoEs should receive guidance about how to address advertising for products that have been reformulated to meet Smart Snacks standards for sales in schools but that are also available in less healthy versions outside of schools.

BoEs should receive guidance, model policies, and resources to assist any that are concerned about possible financial ramifications and help schools identify practical, and profitable ways to raise funds through fundraisers involving healthy foods and beverages or non-food products (such as <http://cspinet.org/new/pdf/schoolfundraising.pdf>).

In addition, we encourage the committee to include language to incorporate food and beverage marketing into future School Nutrition Dietary Assessment studies to assess the implementation and impact of the food and beverage marketing provision of the local school wellness policy requirements. The legislature should use the resulting data to inform its work in creating and supporting new resources and guidance for BoEs as they evaluate and improve their policies.

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